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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,722	02/27/2004	Jay Brent DeShan	694231/0096	9628
7590	08/11/2006		EXAMINER	
James J. DeCarlo, Esq. Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038			ROSE, HELENE ROBERTA	
		ART UNIT	PAPER NUMBER	
		2163		

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,722	DESHAN ET AL.	
	Examiner	Art Unit	
	Helene Rose	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-32 have been presented for examination.
2. Claims 1-32 have been rejected.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 2/27/2004, accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUSTIN et al (WO 02/057943/Filing Date: January 18, 2002) in view of TOBIAS et al. (WO 00/48375/Filing Date of Patent: February 11, 2000).

Claims 1 and 25:

Regarding Claims 1 and 25, JUSTIN IN VIEW OF TOBIAS teaches a method of managing digital content received from content providers and facilitating access to the digital content to a subscriber, the method comprising:

assigning a first service level to a first content provider (PARAGRAPH [0041] & [0042], JUSTINS);

assigning a second service level to a second content provider (PARAGRAPH [0041] & [0042], JUSTINS);

JUSTIN discloses all the limitations above. However, JUSTIN does not disclose wherein receiving from the content providers feed files, each feed file having descriptive information describing digital content; determining if the feed files are approved by applying one or more templates to the feed files; receiving a request file from the subscriber, the request file containing one or more search criteria; and providing an answer file in response to the request file, the answer file identifying one or more feed files that meet the search criteria, wherein the feed files are identified according to a priority based on the service levels. However, TOBIAS does disclose receiving from the content providers feed files, each feed file having descriptive information describing digital content (PAGE 14, LINES 5-6, TOBIAS); determining if the feed files are approved by applying one or more templates to the feed files (PAGE 16, LINES 18-24, TOBIAS); receiving a request file from the subscriber, the request file containing one or more search criteria (PAGE 15, LINES 22-24 & LINES 1-4 AND LINES 12-17, TOBIAS); and providing an answer file in response to the request file, the answer file identifying one or more feed files that meet the search criteria, wherein the feed files are identified according to a priority based on the service levels (PAGE 11, LINES 5-8, TOBIAS). It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate an approval status, as well as identifying criteria that corresponds with the a request, disclosed by TOBIAS within JUSTIN system, for efficient processing and automating distribution of digital content to provide users with a quicker response in reference to their search request.

Claim 2:

Regarding Claim 2, JUSTIN IN VIEW OF TOBIAS teaches wherein determining if the feed files are approved comprises:

determining that a first feed file is not approved based on comparison of the first feed file to a first template (PARAGRAPH [0014], JUSTIN); and

the method further comprises:

identifying the first feed file as unapproved (PARAGRAPH [0114], JUSTIN);

modifying the descriptive information of the unapproved feed file in accordance with the first template (PARAGRAPH [0132], JUSTIN); and

identifying the first feed file as approved (SEE CLAIM 5, WHEREIN THIS LIMITATION HAS ALREADY BEEN ADDRESSED).

Claim 3:

Regarding Claim 3, JUSTIN IN VIEW OF TOBIAS teaches wherein applying templates to feed files comprises:

comparing the descriptive information of a first feed file with a first template, the first template containing descriptive information (SEE CLAIM 2, WHERIEN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS DEFINED IN WITHIN CLAIM 2); and

identifying the first feed file as approved if the descriptive information of the first feed file matches the descriptive information of the first template (SEE CLAIM 20, WHEREIN THIS LIMITAION HAS ALREADY BEEN ADDRESSED).

Claim 4:

Regarding Claim 4, JUSTIN IN VIEW OF TOBIAS teaches wherein multiple items of digital content relate to an event, and wherein receiving request files include receiving a request file containing search criteria met by the event and where providing answer files includes providing an answer file identifying the multiple items of content related to the event (PARAGRAPH [0121], WHEREIN SPECIFYING MULTIPLE ACCESSORS FOR EACH ACCOUNT, JUSTIN).

Claim 5:

Regarding Claim 5, JUSTIN IN VIEW OF TOBIAS teaches wherein applying templates to feed files comprises:

identifying a first template as applicable to a first feed file, the first template having associated descriptive information (SEE CLAIM 8, WHERIN THIS LIMITATION IS SUBSTANTIALLY THE SAME);

storing descriptive information from the first template in the corresponding descriptive information of the first feed file (SEE CLAIM 18, WHEREIN THIS LIMITATION IS SUBSTANTIALLY THE SAME); and

identifying the first feed file as approved (SEE CLAIM 17, WHEREIN THIS LIMITATION IS SUBSTANTIALLY THE SAME).

Claim 6:

Regarding Claim 6, JUSTIN IN VIEW OF TOBIAS teaches wherein applying the templates comprises:

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identifying a specific content provider submitting a specific feed file (SEE CLAIM 23,
WHERIN THIS LIMITAION HAS ALREADY BEEN ADDRESSED);
selecting a specific template based on the specific content provider; and applying the
specific template to the specific feed file (SEE CLAIM 23, WHERIN THIS LIMITAION HAS
ALREADY BEEN ADDRESSED).

Claim 7:

Regarding Claim 7, JUSTIN IN VIEW OF TOBIAS teaches wherein a specific feed file
describing an event and wherein applying the templates comprises:

identifying a specific category of the event (SEE CLAIM 24, WHERIN THIS
LIMITAION HAS ALREADY BEEN ADDRESSED);
selecting a specific template based on the specific category of the event (SEE CLAIM 24,
WHERIN THIS LIMITAION HAS ALREADY BEEN ADDRESSED); and
applying the specific template to the specific feed file (SEE CLAIM 16, WHEREIN
THIS LIMITATION IS SUBSTANTIALLY THE SAME AS DEFINED IN CLAIM 16).

Claim 8:

Regarding Claim 8, JUSTIN IN VIEW OF TOBIAS teaches wherein a specific feed file
includes multiple fields of descriptive information, and wherein applying the templates
comprises:

identifying a specific field of descriptive information (SEE CLAIM 7, WHERIEN THIS
LIMITAION IS SUBSTANTIALLY THE SAME AS DEFINED IN CLAIM 7);

selecting a specific template based on the specific field of information (SEE CLAIM 7, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS DEFINED IN CLAIM 7); and

applying the specific template to the specific feed file (SEE CLAIM 7, WHEREIN THIS LIMATION HAS ALREADY BEEN ADDRESSED).

Claim 9:

Regarding Claim 9, JUSTIN IN VIEW OF TOBIAS teaches wherein the incoming feed file includes identifying information for locating and playing a streaming media file (FIGURE 5, ALL FEATURES, JUSTIN).

Claim 10:

Regarding Claim 10, JUSTIN IN VIEW OF TOBIAS teaches wherein a received feed file includes identifying information for locating (PARAGRAPH [0047], JUSTINS) and displaying a digital image (PARAGRAPH [0064], JUSTIN).

Claim 11:

Regarding Claim 11, JUSTIN IN VIEW OF TOBIAS teaches sending a confirmation of receipt message to the content provider sending the feed file (PARAGRAPH [0073], JUSTIN).

Claim 12:

Regarding Claim 12, JUSTIN IN VIEW OF TOBIAS teaches wherein the answer files include the identified feed files (PARAGRAPH [0088], JUSTIN).

Claim 14:

Regarding Claim 14, JUSTIN IN VIEW OF TOBIAS teaches a backpack window and a button configured to store a link to the event identified in the feed file and associated descriptive

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information in the backpack window (PARAGRAPH [0047], WHERIN PERIODICALLY SEARCHES, JUSTIN).

Claim 15:

Regarding Claim 15, JUSTIN IN VIEW OF TOBIAS teaches a Hotlist window and a button configured to open the Hotlist window, the Hotlist window for adding the incoming feed file to a specific location within the database (PARAGRAPH [0073] and [0133], JUSTIN).

Claims 16 and 22:

Regarding Claims 16 and 22, JUSTIN IN VIEW OF TOBIAS teaches a system for processing digital information, the system comprising:

a network (FIGURE 1, JUSTIN);

at least one content provider connected to the network (PARGARAPH [0024], JUSTIN);

at least one content consumer connected to the network (PARAGRAPH [00101],

JUSTIN); and

at least one processing device connected to the network, the processing device having a data storage device (FIGURE 1, DIAGRAM 118, JUSTIN), the processing device to:

receive an incoming feed file having descriptive information describing an event, the event provided by a content provider (PARAGRAPH [0103], JUSTIN);

apply a template to the descriptive information of the feed file to determine if the event is approved (PARAGRAPH [0088], JUSTIN);

store the feed file in the data storage device if approved (PARGRAPH [0114], JUSTIN);

receive a request file containing one or more search criteria (FIGURE 3F, JUSTIN); and

provide an answer file containing one or more feed files that meet the search criteria of the request file (PARAGRAPH [0037], JUSTIN).

Claim 17:

Regarding Claim 17, JUSTIN IN VIEW OF TOBIAS teaches storing the incoming feed file in a queue (PARAGRAPH [0127], JUSTIN); modifying the descriptive information of the feed file (SEE CLAIM 2, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 2); and identifying the feed as approved (SEE CLAIM 2, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 2).

Claims 18 and 24:

Regarding Claims 18 and 24, JUSTIN IN VIEW OF TOBIAS teaches wherein the processing device is further operative to:

identify a category of the event; select a specific template having descriptive information based on the category of the event (PAGE 21, LINES 18-20, TOBIAS); and store the descriptive information of the specific template in the feed file (PAGE 22, LINS 1-5, TOBIAS).

Claims 19 and 23:

Regarding Claims 19 and 23, JUSTIN IN VIEW OF TOBIAS teaches wherein the program processing device is further operative to:

identify the content provider submitting the feed file (PARAGRAPH [0047], JUSTIN); select a specific template having descriptive information based on the identity of the content provider (PARAGRAPH [0020], JUSTIN); and

store the descriptive information of the specific template in the descriptive information of the corresponding feed file (SEE ABSTRACT AND PARAGRAPH [004], JUSTIN)

Claim 20:

Regarding Claim 20, JUSTIN IN VIEW OF TOBIAS teaches wherein applying the template further comprises: comparing the descriptive information from the incoming feed file with the template, the template containing descriptive information (SEE CLAIM 2, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 2); and

identifying the feed file as approved if the descriptive information of the feed file matches the descriptive information of the template (SEE CLAIM 2, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 2).

Claim 21:

Regarding Claim 21, JUSTIN IN VIEW OF TOBIAS teaches a computer program product having a computer readable medium with computer program logic recorded thereon, the computer program product comprising:

means for receiving an incoming feed file having a plurality of descriptive information describing an event from a content provider (SEE CLAIM 22, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 22, JUSTIN);

means for applying a template to the descriptive information contained in the feed file to determine if the feed file is approved (SEE CLAIM 22, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 22, JUSTIN); and

means for storing the feed file in a database if approved (SEE CLAIM 22, WHEREIN THIS LIMITAION IS SUBSTANTIALLY THE SAME AS CLAIM 22, JUSTIN).

Claim 26:

Regarding Claim 26, JUSTIN IN VIEW OF TOBIAS teaches wherein the service levels are based on an amount of digital content received from the content providers (PAGE 11, TABLE 1, TOBIAS).

Claim 27:

Regarding Claim 27, JUSTIN IN VIEW OF TOBIAS teaches wherein the service levels are based on fees paid by the content providers (PAGE 11, TABLE 1, TOBIAS).

Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUSTIN et al (WO 02/057943/Filing Date: January 18, 2002) in view of TOBIAS et al. (WO 00/48375/Filing Date of Patent: February 11, 2000) and further in view of ANANIAN (US PATENT NO. 7,013,290/Filing Date of Patent: July 26, 2002).

Claim 13:

Regarding Claim 13, JUSTIN IN VIEW OF TOBIAS teaches a graphical interface for processing digital content identified by a plurality of feed files, the interface comprising:

a display window configured to present and to permit editing of descriptive information corresponding to an event identified in a feed file, wherein the descriptive information is separated into at least two groups of descriptive information (PARAGRAPH [0130] & [0132] & [0136], JUSTIN);

JUSTIN discloses all the limitations above. However, JUSTIN does not disclose wherein a plurality of tabs located on the display window for selecting among the at least two

groups of descriptive information; and a save button (FIGURE 9, DIAGRAM 910, ANANIAN) located on the display window configured to store the plurality of descriptive information in a database, the descriptive information corresponding to the event of the incoming feed file. However, ANANIAN does disclose wherein a plurality of tabs located on the display window for selecting among the at least two groups of descriptive information (COLUMN 44, LINES 51-62, ANANIAN; and a save button located on the display window configured to store the plurality of descriptive information in a database, the descriptive information corresponding to the event of the incoming feed file (COLUMN 21, LINES 15-20 & LINES 36-45, ANANIAN). It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate a update button disclosed by ANANIAN within JUSTIN system, for the method of updating/saving data periodically as it is updated by a user and stored within a user profile, and utilized by a peer sharing network.

Claims 28 and 31:

Regarding Claims 28 and 31, JUSTIN IN VIEW OF TOBIAS AND FURTHER IN VIEW OF ANANIAN teaches wherein the priority includes excluding feed files received from the second content provider (COLUMN 65, LINES 23-27, ANANIAN).

Claim 29 and 32:

Regarding Claim 29, JUSTIN IN VIEW OF TOBIAS AND FURTHER IN VIEW OF ANANIAN teaches wherein the priority includes identifying feed files received from the first content provider before feed files received from the second content provider (COLUMN 65, LINES 28-35, ANANIAN).

Claim 30:

Regarding Claim 30, JUSTIN IN VIEW OF TOBIAS AND FURTHER IN VIEW OF ANANIAN teaches wherein the first content provider pays a first fee and the second content provider pays a second fee, the first fee greater than the second fee, and wherein the feed files identified by the answer file received from the first content provider receive priority over feed files received from the second content provider (COLUMN 65, LINES 28-35, ANANIAN).

Prior Art of Record

1. TOBIAS et al. (WO 00/48375)
2. JUSTIN et al (WO 02/057943)
3. ANANIAN (US PATENT NO. 7,013,290)

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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